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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA, New York, N.Y.

5 v. 23 Cr. 490 (SHS)

6 ROBERT MENENDEZ,  
7 NADINE MENENDEZ,  
8 WAEL HANA,  
9 JOSE URIBE,  
10 FRED DAIBES,

11 Defendants.

12 -----x  
13 October 2, 2023  
14 2:30 p.m.

15 Before:

16 HON. SIDNEY H. STEIN,

17 U.S. District Judge

18 APPEARANCES

19 DAMIAN WILLIAMS

20 United States Attorney for the  
21 Southern District of New York

22 BY: PAUL M. MONTELEONI  
23 ELI J. MARK  
24 LARA E. POMERANTZ  
25 DANIEL C. RICHENTHAL  
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BY: SETH C. FARBER  
DAVID A. KOLANSKY

(Appearances continued next page)

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1  
2 APPEARANCES  
34 SCHERTLER ONORATO MEAD & SEARS  
5 Attorneys for Defendant N. Menendez  
6 BY: DANNY C. ONORATO7 GIBBONS P.C.  
8 Attorneys for Defendant Hana  
9 BY: LAWRENCE S. LUSTBERG  
10 ANNE M. COLLART  
11 RICARDO SOLANO, JR.12 KRIEGER KIM & LEWIN LLP  
13 Attorneys for Defendant Uribe  
14 BY: NICHOLAS J. LEWIN15 PAUL, WEISS, RIFKIND, WHARTON & GARRISON, LLP  
16 Attorneys for Defendant Daibes  
17 BY: ROBERTO FINZI  
18 -and-  
19 ARLEO & DONOHUE, LLC  
20 BY: TIMOTHY M. DONOHUE

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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your names  
3 for the record.

4 MR. MONTELEONI: Good afternoon, your Honor. Paul  
5 Monteleoni for the government. With me at counsel table are my  
6 colleagues Eli Mark, Lara Pomerantz and Daniel Richenthal.

7 THE COURT: Good afternoon. You may be seated in the  
8 front row.

9 MR. FARBER: Good afternoon, your Honor. Seth Farber  
10 and David Kolansky for Senator Menendez.

11 THE COURT: Good afternoon. Mr. Farber, you requested  
12 that I waive your client's appearance today and I granted that;  
13 is that correct?

14 MR. FARBER: That is, your Honor. We appreciate the  
15 Court's accommodation.

16 THE COURT: Next.

17 MR. ONORATO: Your Honor, good afternoon. Danny  
18 Onorato on behalf of my client Nadine Menendez, who is in court with  
19 me.

20 THE COURT: Good afternoon.

21 MR. LUSTBERG: Good afternoon, your Honor. Lawrence  
22 Lustberg, Gibbons P.C., on behalf of the defendant Wael Hana.  
23 Mr. Hana is present. With me are my partners Anne Collart and  
24 Ricardo Solano.

25 THE COURT: Good afternoon. Please be seated.

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1 MR. LEWIN: Good afternoon, Judge. Nick Lewin for  
2 Jose Uribe who is standing to my left.

3 THE COURT: Good afternoon.

4 MR. LEWIN: Good afternoon.

5 MR. FINZI: Good afternoon, your Honor. Roberto Finzi  
6 and Timothy Donohue for defendant Fred Daibes who is with us at  
7 counsel table.

8 THE COURT: And Mr. Daibes is?

9 MR. FINZI: In the middle.

10 THE COURT: Good afternoon. Please, be seated.

11 This is an indictment alleging conspiracy to commit  
12 bribery against the defendants, conspiracy to commit honest  
13 services fraud against all of the defendants, and conspiracy to  
14 commit extortion under color of official right alleged against  
15 Mr. and Mrs. Menendez.

16 Government, tell me what the status of discovery is,  
17 what you have produced, what it consists of, when you can  
18 complete your discovery obligations. And I gather the record  
19 reflects that the magistrate judge read the Rule 5(f) order to  
20 you?

21 MR. MONTELEONI: That's correct, your Honor, and we  
22 confirmed our acceptance with and our compliance with our  
23 obligations at the presentments of the defendants last week.

24 We have not yet been able to make productions of  
25 discovery because we need a protective order to be in place.

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1 On September 27, the date that the defendants were presented --  
2 the final defendants were presented, we sent over a proposed  
3 protective order to defendants. We have had discussions with  
4 them this afternoon and several hours ago, those discussions  
5 are ongoing. Our plan for discovery is that discovery in this  
6 case is going to be quite voluminous. As you can imagine from  
7 the indictment, our investigation was lengthy and extensive and  
8 I should note that it is ongoing. So our plan is to proceed in  
9 stages to get the defendants as much and as useful information  
10 as quickly as practicable including materials that may be  
11 relevant to any motions. Discovery in this case involves the  
12 investigation involves hundreds of subpoenas, approximately 50  
13 different electronic accounts or devices that contents of which  
14 were obtained pursuant to search warrants, and as I will get to  
15 in a minute, there are also issues involving classified  
16 information but first I would like to address the other aspects  
17 of discovery.

18 We expect that as a result of our discussions with  
19 defense counsel we will, at some point, be in a position to  
20 propose a protective order to the Court and the Court will  
21 enter an order, we expect, and shortly after the entry of that  
22 order we plan to make an initial production of several thousand  
23 pages of documents which are intended to be among the highest  
24 priority documents. We have engaged a vendor, we are producing  
25 much of the discovery in a format that the defendants can load

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1 into a document review database so that they can easily search  
2 through the materials despite the volume.

3 Now, the initial production is going to be of moderate  
4 volume but the next significant tranche of discovery will  
5 encompass the bulk of the documents that we obtained pursuant  
6 to grand jury subpoenas, among other documents. Given the  
7 volume of this production, we expect it will take a week or two  
8 to complete our QC of that production, which is under way, and  
9 for the vendor to process and provide the materials for the  
10 defense. In our experience, when dealing with volumes like  
11 this, sometimes various technical snags and hiccups arise but  
12 we presently expect that this production will be complete  
13 within, perhaps, three to five weeks. So, as I mentioned, we  
14 have obtained voluminous electronically stored information from  
15 a series of search warrants, and while we have completed a  
16 responsiveness review pursuant to those warrants for a few  
17 devices, it is ongoing for the variety majority of devices and  
18 accounts and we expect it will take several months to complete  
19 the responsiveness review.

20 THE COURT: Several months, sir?

21 MR. MONTELEONI: Yes, your Honor. So we are talking  
22 about approximately 50 accounts and devices which were over the  
23 course of a lengthy investigation, and we recently obtained a  
24 Rule 41 warrant on the contents of those accounts to expand our  
25 search for additional subject offenses. As a result, we are

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1 hoping that we could have the responsiveness review done by the  
2 end of the calendar year that could perhaps take a little bit  
3 longer.

4 THE COURT: Or a little bit shorter.

5 MR. MONTELEONI: Or a little bit shorter.

6 THE COURT: I am quite surprised you are talking about  
7 the end of this calendar year.

8 MR. MONTELEONI: Well, your Honor, it is October now  
9 so that's --

10 THE COURT: When do you think this case can be tried?

11 MR. MONTELEONI: We think sometime next year, though  
12 there is an issue that I would like to flag about certain forms  
13 of motion practice when we get do that, but our proposal is  
14 that with all of these we propose to be, we believe we can be  
15 substantially complete with discovery by about the end of  
16 January. We are additionally going to be doing the  
17 responsiveness reviews completing them on a rolling basis, we  
18 are going to be prioritizing them, and we are also going to be  
19 addressing, on a rolling basis throughout the rest of this year  
20 or as long as it takes, hopefully not that long, the remaining  
21 items of discovery that don't involve classification issues.  
22 We would expect that we don't think the defendants will have  
23 every last page of discovery by December, but by December there  
24 will be enough of the discovery that will have been in their  
25 hands, especially with our front-loading of the non-search

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1 warrant-related productions that it would perhaps make sense to  
2 have another conference then to address potential motions.

3 I do have something related to timing to say about  
4 motions.

5 THE COURT: When we are talking about December, can we  
6 talk about the beginning of December rather than the end of  
7 December?

8 MR. MONTELEONI: That's fine for the government, your  
9 Honor.

10 THE COURT: So you believe your production will be  
11 essentially complete by the beginning of December?

12 MR. MONTELEONI: Well, that's not exactly what I meant  
13 to convey, your Honor. We think it will go likely into  
14 January. We are being realistic. We have, as the Court may  
15 appreciate, we are dealing with large volumes of data, we are  
16 dealing with a number of different collections of large volumes  
17 of data, and we have --

18 THE COURT: I understand that, but that doesn't mean  
19 the large volumes of data are all relevant.

20 MR. MONTELEONI: That is true. We do believe -- we  
21 are prioritizing in our productions the most relevant items and  
22 we will definitely endeavor to have produced the highest  
23 priority items by December as much as we are able to. Being  
24 realistic, though, I think that it's -- I wouldn't want to be  
25 able to represent definitively the beginning of December for

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1 everything that might be relevant and then find that  
2 contingencies make it drag on a bit. But, understanding that  
3 that is the Court's desire, we will do everything that we can  
4 to meet that.

5 THE COURT: Go ahead.

6 MR. MONTELEONI: So, regarding classified issues --

7 THE COURT: From my standpoint we are talking about  
8 the beginning of December. Go ahead. I understand your issues  
9 with that. Next.

10 MR. MONTELEONI: So we are working to declassify some  
11 material so that we can produce it in discovery but we do  
12 expect there will be some litigation pursuant to the Classified  
13 Information Procedures Act potentially, a limited amount of  
14 classified discovery in this matter. We will be requesting the  
15 appointment, at the beginning, of a classified information  
16 security officer so that defense counsel can begin the security  
17 clearance process with respect to more details about the  
18 nature, the volume, and the timing of classified issues.

19 THE COURT: I believe the CISO -- Classified  
20 Information Security Officer -- has already been appointed.

21 MR. MONTELEONI: I don't have that information but  
22 that's great if that is true. I will check with my colleagues.

23 THE COURT: All right.

24 MR. MONTELEONI: We expect to provide --

25 THE COURT: That may simply be in the works. I don't

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1 know. Go ahead.

2 (Counsel conferring)

3 MR. MONTELEONI: That is great. If it is in the works  
4 that will speed things up. There is likely to be some level of  
5 litigation under CIPA and we propose to inform the Court more  
6 about the nature of the volume and timing of that litigation in  
7 a secure, *ex parte* setting.

8 Looking ahead to motions, one issue that we do want to  
9 draw the Court's attention to now is the speech or debate  
10 clause. That clause creates a privilege that can attach to  
11 certain information related to a member of Congress. We, in  
12 our investigation, have been mindful of that privilege, we have  
13 been engaging with counsel for Menendez regarding this  
14 privilege in connection with our review of his materials  
15 including his electronic accounts and devices. We don't  
16 believe that anything in our approach to the case implicates  
17 the speech or debate clause but obviously Menendez may  
18 disagree, and what we would like to bring to the Court's  
19 attention now is the possibility that if he does make a motion  
20 on the grounds of the speech or debate clause, it is possible  
21 in certain circumstances whichever party loses that motion may  
22 have the right to take an interlocutory appeal, and as a  
23 result, we expect at the next conference to be encouraging the  
24 Court to consider setting an earlier schedule for any speech or  
25 debate motions than other motions to minimize the delays that

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1 they may have on trial.

2                   There are a few other issues regarding the background  
3 of the case that we would like to mention at some point, if  
4 this is a convenient time.

5                   THE COURT: Go ahead. What I have so far is your  
6 reluctant acceptance of the beginning of December is certainly  
7 a goal but not guarantee that it will be done or complete by  
8 then for the bulk of the production by the government. You  
9 have indicated that there may be, due to the possibility of  
10 interlocutory appeal on the speech or debate clause issue, that  
11 may be an interlocutory appeal there and therefore the motion  
12 should be sooner rather than later.

13                   To the extent you have classified information, that  
14 will have to be run through the classified information security  
15 officer sort of quarterbacking that, if I can use that term.

16                   What was the government considering in terms of  
17 motions, motion date?

18                   (Counsel conferring)

19                   MR. MONTELEONI: Your Honor, we understood that the  
20 Court's practice was usually to set a schedule for motions at  
21 the next conference so we would propose -- it is really the  
22 defense's schedule to make -- but perhaps a month after the  
23 next conference for initial filing of motions.

24                   THE COURT: I would rather get this moving and rather  
25 set some dates now to the extent I can. What else did you want

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1 to tell me?

2 MR. MONTELEONI: First of all, as I mentioned, the  
3 investigation continues. It is possible that there may be a  
4 superseding indictment in this matter. If so, we don't expect  
5 it to materially affect the schedule or any of these issues  
6 that we have been discussing. We think that it is not going to  
7 significantly affect the discovery. I should also say that one  
8 of the defendants, Wael Hana's counsel, Larry Lustberg, he also  
9 represents Fred Daibes, another of the defendants here, in  
10 Davies' separate prosecution in the District of New Jersey.  
11 That prosecution is pending sentencing and we believe that  
12 Mr. Lustberg has personal knowledge of some facts that may make  
13 him ultimately a witness in this case though it is too soon to  
14 know for sure whether that would be necessary. We have been  
15 speaking with Mr. Lustberg and exploring the best ways to  
16 address those issues but we believe that at least a Curcio  
17 hearing is required and we expect to be bringing a proposed  
18 Curcio inquiry before the Court in the near future.

19 THE COURT: Do that sooner rather than later.

20 MR. MONTELEONI: Yes, your Honor.

21 THE COURT: What else?

22 MR. MONTELEONI: Well, when the Court does set a new  
23 conference we will move to exclude time under the Speedy Trial  
24 Act in order to allow the defendants to review the discovery  
25 that we will be producing and to allow us to engage in

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1 discussions regarding potential dispositions in the case.

2 THE COURT: What is the projected length of trial from  
3 the standpoint of the government?

4 MR. MONTELEONI: Well, a lot depends on how many  
5 defendants there are.

6 THE COURT: I understand. There are five defendants.  
7 Go ahead.

8 MR. MONTELEONI: If there still are five at the time  
9 of trial it is -- still a lot depends on their approach to  
10 cross-examination -- but we would estimate perhaps four to six  
11 weeks.

12 THE COURT: What else did you want to tell me?

13 MR. MONTELEONI: Nothing, besides answering any  
14 further questions the Court may have.

15 THE COURT: Mr. Farber, what would you like to tell  
16 me, sir, if anything?

17 MR. FARBER: Good afternoon, your Honor.

18 I think having heard all of that and based on some of  
19 the discussions we have had with the government just in the  
20 days leading up to this, our preference would be to schedule a  
21 conference in, say, the second week of December after we have  
22 received as much of that discovery as possible, at which time I  
23 think we will have a much better feel for certainly for the  
24 evidence and for the case and we can then discuss a motion  
25 schedule and other dates.

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1                   THE COURT: Well, I would like to move this case along  
2 and not put it off for setting a trial date. How long do you  
3 think -- let's use that early December date for the bulk of the  
4 government's production. How long do you think you will need  
5 for motions after you receive that?

6                   MR. FARBER: I would say six weeks, your Honor.

7                   THE COURT: For motions?

8                   MR. FARBER: Yes, your Honor.

9                   THE COURT: When you are going to be getting  
10 documents, when is the first tranche of documents coming, sir?  
11 Let's assume a rather pro forma protective order is entered  
12 into within the next day or two.

13                  MR. MONTELEONI: Within a week.

14                  THE COURT: All right. Is that still your position?

15                  MR. MONTELEONI: Well, Judge, if this is not stuff  
16 that is backloaded into December then I would say 30 days.

17                  THE COURT: Mr. Onorato.

18                  MR. ONORATO: Thank you, your Honor.

19                  THE COURT: Sir.

20                  MR. ONORATO: Your Honor, I would echo what counsel  
21 said, with the proviso that the government did say they had 50  
22 devices and it is voluminous. And while they may have good  
23 intentions to make the stuff searchable, we might need  
24 additional time to file motions so I would ask the Court to  
25 give us a 30-day marker and approach the Court, if necessary at

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1 that status hearing, to get a little bit of time if we need it.  
2 But, our intention is to move this along as expeditiously as  
3 possible.

4 THE COURT: Mr. Lustberg.

5 MR. LUSTBERG: Thank you.

6 Obviously my name came up but I understand there needs  
7 to be a Curcio hearing. We are, as the government said, in the  
8 process of talking about that set of issues which probably will  
9 not eviscerate the need for such a hearing, but we will work  
10 with the government to --

11 THE COURT: Does that mean there probably will still  
12 be a need for the hearing.

13 MR. LUSTBERG: That's what I said.

14 THE COURT: Go ahead.

15 MR. LUSTBERG: So we will continue to work with  
16 Mr. Montelioni and his colleagues in effort to narrow the scope  
17 of that and to focus it for the Court, but we will be prepared  
18 to proceed with that sooner rather than later because the  
19 issues of counsel should be resolved sooner rather than later.

20 THE COURT: Yes.

21 MR. LUSTBERG: So we are in complete accord with  
22 regard to that. There may be other motion practice around that  
23 that we will also, as I said, attempt to resolve amicably, and  
24 if we can't we will bring it before the Court in expeditious  
25 fashion. As far as motion practice, we are in agreement with

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1 our co-defendants.

2 THE COURT: Thank you.

3 Mr. Lewin.

4 MR. LEWIN: Thank you, Judge.

5 Nothing to add, only other than to simply observe that  
6 the government needs to two three months simply to review for  
7 relevancy and produce discovery, so with respect to motion  
8 practice, it strikes me that if the volume is what they're  
9 describing and the complexity is what they have described with  
10 some color, that we may need additional time with our resources  
11 to review that discovery and be in position to determine what  
12 motions we will make. That said, your Honor, the time frame  
13 that has been proposed doesn't seem unreasonable but it does  
14 seem aggressive.

15 THE COURT: That's fair to characterize it that way as  
16 appropriately aggressive. I think that's what I heard you say.  
17 So the time frame, as I see it evolving, is the beginning of  
18 December for a good faith effort for the bulk, if not the  
19 entirety of the government's production; 30 days for motions.  
20 That's where it is going now.

21 Next? Sir?

22 MR. FINZI: Your Honor, I have nothing to add.

23 THE COURT: Tell me who you are, sir.

24 MR. FINZI: Roberto Finzi for Mr. Daibes. Nothing to  
25 add, your Honor.

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1                   THE COURT: I have heard from all of the lawyers.

2                   In regard to the counsel question, I wish to advise  
3 the defendants and Mr. Menendez' counsel will advise him as  
4 well, that if at any point you are going to seek new counsel,  
5 or if at any point you wish to have -- you feel you can't  
6 afford counsel and therefore are going to request that counsel  
7 be appointed by me at no cost to you, I'm going to ask that you  
8 do that -- to use the phrase we have been talking about --  
9 sooner rather than later, because I want to build in enough  
10 time for any successor counsel to be prepared. Or, put another  
11 way, I'm not going to adjourn a trial date because somebody  
12 wants a new counsel so if you want new counsel to do it, again,  
13 to use the term of the day -- sooner rather than later.

14                  Assuming we are able to stick to the schedule and have  
15 motions in the beginning of January, it seems to me that we can  
16 aim for May or June, maybe even an April trial date in this  
17 case. And, as things go along, we may not have five defendants  
18 as some counsel have suggested here but I can't and don't  
19 intend to plan for that. It seems to me that that's  
20 appropriate, April, May, June.

21                  Responses. Government?

22                  MR. MONTELEONI: Subject to being able to resolve the  
23 classified issues in that time frame, the government would be  
24 prepared to proceed in that way and we can provide the Court  
25 with more information on the classified status *ex parte*.

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1                   THE COURT: Yes, do that, and do that expeditiously if  
2 you know what they are under the Classified Information  
3 Protection Act.

4                   Sir? This is Mr. Farber, right?

5                   MR. FARBER: Yes, your Honor; Mr. Farber.

6                   Again, our preference would be to address that issue  
7 after we have had a chance to see the discovery, and I say that  
8 because at this point it's extremely difficult for us to gauge  
9 what's going to be involved in trial preparation and review of  
10 the material. I mean, all we have heard from the government is  
11 a description of an extraordinarily voluminous amount of  
12 information that they plan on producing and that, as my  
13 co-counsel noted, they haven't even managed to review  
14 themselves. So, our request would be to set a date in the  
15 early December time frame for status conference, at which we  
16 could address that question.

17                  THE COURT: I am reluctant to do that. I want to set  
18 a date, to use a term that's been used here, for no other  
19 reason than as a marker but it will be more than a marker, that  
20 I want to aim for that to get it done to effectuate the  
21 defendants' speedy trial rights. I understand it is contingent  
22 on exactly what the production is. Actually, I am a little  
23 surprised that the production hasn't already been made but I  
24 didn't realize that people were still negotiating over a  
25 protective order. But I hear you, sir.

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1                   Sir, next? Mr. Onorato, is that correct?

2                   MR. ONORATO: Your Honor, the only question I would  
3 raise is the government used the words "superseding indictment"  
4 so what does that do to the discovery process?

5                   THE COURT: Fair enough. Fair enough. But I did hear  
6 no material change. I think that's correct.

7                   Is that the phrase, Mr. Monteleoni that you used?

8                   MR. MONTELEONI: From a scheduling and discovery  
9 perspective yes, we did say that.

10                  MR. ONORATO: But from a legal perspective, who knows  
11 what counts they're talking about.

12                  THE COURT: I understand.

13                  MR. ONORATO: With that proviso.

14                  THE COURT: I understand. And you also heard the  
15 government say the investigation is continuing. Neither of  
16 those are unusual in cases, everybody lives with those.

17                  Mr. Lustberg?

18                  MR. LUSTBERG: Thank you, your Honor.

19                  The indictment in this case included a lot of  
20 information that, unlike in other investigations, we have never  
21 heard before so we really are getting our arms around this now.  
22 And I hear the Court and I understand the need to set a trial  
23 date as early as possible, there is a lot of reasons for that.  
24 I think that when you talk about April, and particularly with  
25 motions being filed -- remember that is just motions be filed

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1 in early January, the government has to respond, there has to  
2 be argument, whatever, I think that when you talk about May or  
3 June, that seems more likely to me to be realistic than April.

4 THE COURT: I think that's fair.

5 MR. LUSTBERG: So, if to the extent that the Court  
6 really wants to set a marker date that is more than a mere  
7 marker, I think later is probably wiser than sooner and to flip  
8 the discussion we have been having today. Having said all of  
9 that, of course, your Honor, you are right, if there is a  
10 superseding indictment, that changes things. If there is an  
11 interlocutory appeal, that changes things depending on the  
12 process we go through with respect to classified material. So,  
13 I think we should give ourselves a little bit more time than  
14 April which is just a few months after when the motions would  
15 actually be filed. I do think we may all know a lot more when  
16 we get together again in December and be able to do this more  
17 knowledgably and I think that seems like a good way to do it  
18 but I defer to the Court.

19 Mr. Lewin, sir.

20 MR. LEWIN: Nick Lewin for Mr. Uribe.

21 THE COURT: I'm sorry. Mr. Lustberg I meant.

22 MR. LUSTBERG: No worries, no worries.

23 MR. LEWIN: That was a great insult to Mr. Lustberg.

24 THE COURT: Mr. Finzi.

25 MR. FINZI: Your Honor, I think the reality is that

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1 seven, if I am counting right, seven or eight months for a  
2 five-defendant case with this volume of discovery may be a  
3 little bit ambitious. That being said, not having seen the  
4 discovery, not knowing what the CIPA issues or possible motions  
5 are, I am not in a position to object to it. I just wanted to  
6 kind of lay down the proverbial marker that we could be back  
7 asking for more time both on the motions and the trial itself  
8 which seems awfully ambitious to go from now to trial in seven  
9 or eight months. But, let's see what happens.

10 THE COURT: Well, that's April. Let me set it down,  
11 it is more than a marker, we are going to try to keep it.

12 Ms. Blakely, what is the first Monday in April? Since  
13 this is more realistic, Monday, May 6. Trial commencement:  
14 Monday, May 6. As we get closer I'll set dates for voir dire  
15 and jury instructions, motions *in limine*. We will deal with  
16 the motion schedule as it evolves.

17 Right now, the last date for government discovery is  
18 December 4. Last day for motions -- I'm not talking about  
19 motions *in limine* regarding trial testimony, last day for  
20 motions we will make January 8th; May 6 for trial.

21 All right? That's the schedule I'm going to set.

22 MR. MONTELEONI: Your Honor, may we have 30 days to  
23 respond to the defense motions given the number of defendants  
24 that there will be? We would also move to exclude time until  
25 trial date in order to allow both the discovery review and then

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1 the motion preparation and pretrial preparation.

2 THE COURT: Right now let me give you three weeks and  
3 we will see what the motions look like, so that would be  
4 January 29 for government response.

5 MR. MONTELEONI: Thank you.

6 THE COURT: Your request for an exclusion is until  
7 when, sir?

8 MR. MONTELEONI: Until May 6, your Honor.

9 THE COURT: Let me hear the response of each of the  
10 defendants to the government's request for an exclusion.

11 Mr. Farber?

12 MR. FARBER: No objection, your Honor, but may we get  
13 two weeks to reply to their responses, your Honor?

14 THE COURT: Let's do one week.

15 MR. FARBER: Thank you.

16 THE COURT: So that would be February 5.

17 Mr. Onorato?

18 MR. ONORATO: No objection to the speedy trial waiver.

19 THE COURT: Mr. Lustberg.

20 MR. LUSTBERG: No objection to the exclusion of time,  
21 your Honor.

22 THE COURT: And the basis?

23 MR. LUSTBERG: I said no objection.

24 THE COURT: I'm sorry.

25 Mr. Lewin?

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1 MR. LEWIN: No objection, your Honor.

2 THE COURT: And Mr. Finzi.

3 MR. FINZI: No objection, your Honor.

4 THE COURT: The government, having moved for an  
5 exclusion of time from today until May 6, 2024, and each  
6 defendant, through counsel, having stated they have no  
7 objection, I exclude time from today until May 6, 2024 from  
8 Speedy Trial Act calculations. I make the finding that the  
9 continuance serves to ensure the effective assistance of  
10 counsel and to prevent any miscarriage of justice. I also find  
11 that the ends of justice served by this continuance outweigh  
12 the interests of the public and of each of the five defendants  
13 in a speedy trial. This is an (h)(7)(A) exclusion in the  
14 interest of justice.

15 Anything else, government?

16 MR. MONTELEONI: No, your Honor. Thank you.

17 THE COURT: Anything else from any of the defendants?

18 MR. FARBER: Not on behalf of Senator Menendez.

19 MR. ONORATO: No. Thank you, your Honor.

20 MR. LUSTBERG: Nothing further, your Honor.

21 MR. LEWIN: No, Judge. Thank you.

22 MR. FINZI: No, your Honor. Thank you.

23 THE COURT: Thank you.

24 I think we made a decent start. I am certainly going  
25 to try to hold to these dates. I expect the cooperation of all

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1 the parties in meeting those dates and the first party that is  
2 my concern is obviously the government, so let's get that  
3 production out and let's get the case moving.

4 MR. MONTELEONI: Yes, your Honor.

5 THE COURT: Thank you.

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